

APPENDIX

Signed by Governor
(March 6, 1989)

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(March 7, 1989)

S.B. 223 (Effective September 1, 1989)

TWENTY-FIFTH DAY

(Thursday, March 9, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Zaffirini.

Absent-excused: Parmer, Whitmire.

A quorum was announced present.

The Reverend Robert W. Kettrick, Pastor, First Christian Church of Jacksonville, offered the invocation as follows:

O Lord, we share this beautiful day with You and all the world.

For the abundance of the blessings You give us, we are truly thankful. We appreciate, O Lord, our State leaders and their commitment to serving the people of this great State. Guide the hearts and minds of our Senators as they shape the future for all of us. In their hands, O Lord, are the decisions of all Texas. Let them continue to be sensitive to the needs of all the people.

In God's name, we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Parmer was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Brooks.

MESSAGE FROM THE HOUSE

House Chamber
March 9, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 186, Relating to the filling of a vacancy in the office of judge of a statutory county court.

S.C.R. 55, Commending the elementary art students in Austin and their teachers.

H.C.R. 122, Recognizing March 1989 as Community Proud Month in Texas.

H.C.R. 124, Honoring John W. Phenicie.

H.C.R. 42, Congratulating Dr. Don Smith and Dr. David Fletcher.

H.C.R. 60, Commending Robert and Louise Rogers.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Montford submitted the following report for the Committee on State Affairs:

S.J.R. 14

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 643**C.S.S.B. 489**

Senator Caperton submitted the following report for the Committee on Finance:

S.B. 872

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 177**C.S.S.B. 319****C.S.S.B. 329**

Senator Parker submitted the following report for the Committee on Education:

C.S.S.B. 417

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.J.R. 39 by Haley Finance
Proposing a constitutional amendment relating to the payment of bonds issued by the State to fund local schools.

S.C.R. 61 by Johnson Education
Recommending that the State Board of Education increase its efforts to promulgate and make available to school districts a comprehensive age-appropriate health education curriculum that focuses on behavior that is conducive to the development of responsibility for personal wellness, safety and disease prevention.

S.B. 970 by Henderson Intergovernmental Relations
Relating to the duration of certain leases made by certain municipalities.

S.B. 971 by Ratliff Intergovernmental Relations
Relating to creation of certain industrial development corporations supported by a tax and having the power to issue bonds and the power of eminent domain.

S.B. 972 by Truan Intergovernmental Relations
Relating to the supplemental compensation received by certain judges in Nueces County.

S.B. 973 by Glasgow State Affairs
Relating to the confidentiality of birth and death records maintained by the Bureau of Vital Statistics of the Texas Department of Health or by local registration officials.

S.B. 974 by Glasgow Economic Development
Relating to unfair sales practices; providing penalties.

S.B. 975 by Glasgow Jurisprudence
Relating to the definition of an agency or representative of a railroad corporation.

S.B. 976 by Whitmire Economic Development
Relating to a window identification system that qualifies for certain motor vehicle insurance discounts.

S.B. 977 by Whitmire Intergovernmental Relations
Relating to credit in, benefits from, and administration of public retirement systems for police officers in certain municipalities.

S.B. 978 by McFarland Intergovernmental Relations
Relating to the use of certain abandoned motor vehicles by a police department.

S.B. 979 by McFarland Criminal Justice
Relating to criminal practice and procedure in municipal and justice courts.

S.B. 980 by McFarland Criminal Justice
Relating to the deferral of proceedings in certain criminal cases involving misdemeanors punishable by fine only.

S.B. 981 by Brooks Health and Human Services
Relating to peer assistance programs for professionals.

- S.B. 982** by Brooks, Barrientos, Johnson, Parker Health and Human Services
Relating to a support program for persons who are mentally disabled.
- S.B. 983** by Brooks Jurisprudence
Relating to the establishment and administration of a state funding program by the Office of Court Administration of the Texas Judicial System for the benefit of court-appointed volunteer advocate programs.
- S.B. 984** by Caperton Finance
Relating to the deposit of money and securities into and the expenditure of money from the state treasury, and to certain related accounting procedures.
- S.B. 985** by Caperton Finance
Relating to the uniform statewide accounting system and the appropriation of funds for the implementation of that system.
- S.B. 986** by Krier Economic Development
Relating to an exemption from certain licensing requirements for nonprofit organizations that offer personnel services.
- S.B. 987** by Krier State Affairs
Relating to the manner in which a deadline is determined in connection with a public grant or loan program.
- S.B. 988** by Krier State Affairs
Relating to the removal of a member of a state board or commission for the failure to attend meetings.
- S.B. 989** by Krier State Affairs
Relating to the oversight of the Governor's Mansion.
- S.B. 990** by Krier State Affairs
Relating to the preservation of the cultural heritage of Texas through support of non-profit museums in Texas; determining eligibility of Texas museums; determining funding procedures; providing for adoption of application procedures; authorizing use of grant funds; authorizing appropriation of funds; and declaring an emergency.
- S.B. 991** by Krier Finance
Relating to the amount and use of certain fees for copies of birth records.
- S.B. 992** by Lyon State Affairs
Relating to professional achievement and proficiency certificates for law enforcement officers.
- S.B. 993** by Lyon Natural Resources
Relating to the creation, administration, and powers, including the power of eminent domain subject to limitations, and to the duties, operations, and financing of Collin County Regional Water Authority, and to the creation therein of subdistricts with the power to levy and collect ad valorem taxes within the subdistricts; relating to the power of the county and of municipalities, other political subdivisions and nonprofit water supply corporations to enter into and give security for contracts with the authority.
- S.B. 994** by Krier Health and Human Services
Relating to the regulation of certain persons who provide counseling services.
- S.B. 995** by Krier Jurisprudence
Relating to the designation of a housing authority as a unit of government and the classification of a housing authority's functions as governmental functions.

- S.B. 996** by Krier Criminal Justice
Relating to authorizing certain federal judges and magistrates to carry weapons.
- S.B. 997** by Krier Finance
Relating to administrative and judicial review of property tax determinations.
- S.B. 998** by Carriker Finance
Relating to the appointment and salaries of the banking commissioner and certain employees of the banking department.
- S.B. 999** by Montford Natural Resources
Relating to the adoption of emergency rules by the Parks and Wildlife Commission.
- S.B. 1000** by Carriker Finance
Relating to apportioning franchise taxes.
- S.B. 1001** by Carriker Economic Development
Relating to identification of bank facilities.
- S.B. 1002** by Johnson Health and Human Services
Relating to the State Board of Insurance adopting rules relating to the inclusion of certain registered nurses in health insurance coverage.
- S.B. 1003** by Johnson Jurisprudence
Relating to the effect on a residential lease of foreclosure of the landlord's mortgage.
- S.B. 1004** by Johnson State Affairs
Relating to the use of individual sureties under certain contracts for public works.
- S.B. 1005** by Johnson Jurisprudence
Relating to the award of costs by the State Board of Insurance to persons affected in contested cases.
- S.B. 1006** by Johnson Intergovernmental Relations
Relating to certain employees of a county civil service system.
- S.B. 1007** by Johnson Economic Development
Relating to enforcement of laws governing prepaid funeral contracts; providing penalties.
- S.B. 1008** by Armbrister Intergovernmental Relations
Relating to the procedures for payroll preparation, deductions, and disbursement for county personnel in certain counties.
- S.B. 1009** by Armbrister Intergovernmental Relations
Relating to the eligibility requirements for a candidate for election or appointment to the office of county treasurer.
- S.B. 1010** by Brown Economic Development
Relating to the regulation of cemeteries and perpetual care trust funds.
- S.B. 1011** by Montford State Affairs
Relating to the administration of the Employees Retirement System of Texas.
- S.B. 1012** by Montford Jurisprudence
Relating to the liability in connection with the construction of residential improvements.
- S.B. 1013** by Krier Jurisprudence
Relating to frivolous law suits.

- S.B. 1014** by Green Intergovernmental Relations
Relating to the financing of 9-1-1 services.
- S.B. 1015** by Green Health and Human Services
Relating to the regulation of the practice of chiropractic.
- S.B. 1016** by Green Finance
Relating to county funding of the Harris County Psychiatric Center.
- S.B. 1017** by Green Economic Development
Relating to rating, issuance, refusal to renew, and cancellation of certain automobile insurance.
- S.B. 1018** by Green Finance
Relating to interest due on the payment of tax refunds.
- S.B. 1019** by Parker Education
Relating to the funding of elementary and secondary education.
- S.B. 1020** by Harris, Parker Economic Development
Relating to certain prohibited payments to officers and directors of a corporation in relation to a change of control of the corporation; providing civil penalties.
- S.B. 1021** by Harris Intergovernmental Relations
Relating to the transaction of business by, and the location of support personnel for, the court of appeals for the Fifth Court of Appeals District.
- S.B. 1022** by Dickson State Affairs
Relating to the amendment of the Employees Retirement System.
- S.B. 1023** by Montford State Affairs
Relating to persons who sell or transport natural gas for vehicle fuel.
- S.B. 1024** by Montford Intergovernmental Relations
Relating to the supplemental salary of the district judge of the 106th Judicial District.
- S.B. 1025** by Brooks Economic Development
Relating to the power of a nonprofit corporation to lend money to or otherwise assist an officer or director.
- S.B. 1026** by Barrientos Finance
Relating to exempting from the sales and use taxes purchases made by certain joint research and development ventures as defined by 15 U.S.C. Section 4301.
- S.B. 1027** by Barrientos Economic Development
Relating to duplication, bootlegging, labeling, and other practices related to recordings and performances; providing penalties.
- S.B. 1028** by Uribe, Dickson, Edwards Finance
Relating to funding for the Texas State Technical Institute and extension programs operated by the institute.
- S.B. 1029** by Uribe State Affairs
Relating to the recovery of damages sustained by the State of Texas and its agencies due to the installation of asbestos products in State buildings.
- S.B. 1030** by Uribe State Affairs
Relating to the establishment of a council to explore possibilities for compact agreements regarding trade and other matters with the bordering states of Mexico.

- S.B. 1031** by Caperton Finance
Relating to the authorization for a student recreational sports fee for institutions within the Texas State University System.
- S.B. 1032** by Henderson Natural Resources
Relating to the dissolution of the Harris County Regional District No. 2.
- S.B. 1033** by Brown Intergovernmental Relations
Relating to abolishing the office of criminal district attorney of Fort Bend County, creating the office of district attorney for the 268th Judicial District, and creating the office of county attorney of Fort Bend County.
- S.B. 1034** by Henderson Finance
Relating to a property owner's remedies for unequal appraisal and other actions of the appraisal district or appraisal review board.
- S.B. 1035** by Sims Natural Resources
Relating to the inspection and classification of eggs.
- S.B. 1036** by Tejeda Health and Human Services
Relating to the release of confidential mental health records in certain circumstances.
- S.B. 1037** by Tejeda State Affairs
Relating to an exhibit or memorial honoring Texans who have been awarded the Congressional Medal of Honor.
- S.B. 1038** by Krier Education
Relating to research in higher education.
- S.B. 1039** by Haley Natural Resources
Relating to appointment of commissioners for the Sabine River Compact.
- S.B. 1040** by Haley State Affairs
Relating to charges by a city for use of a street, alley or public way by a public utility.
- S.B. 1041** by Haley Economic Development
Relating to the authority of the consumer credit commissioner to enforce laws relating to certain consumer credit businesses.
- S.B. 1042** by Haley Economic Development
Relating to the net assets requirement for certain consumer credit businesses.
- S.B. 1043** by Haley Education
Relating to the financing of asbestos cleanup programs of school districts and setting maximum maturity dates for notes issued for such programs.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read the first time and referred to the Committee indicated:

H.C.R. 77, To Committee on Natural Resources.

CO-AUTHOR OF SENATE BILL 2

On motion of Senator Santiesteban and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 2**.

CO-AUTHOR OF SENATE BILL 151

On motion of Senator Barrientos and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 151**.

CO-AUTHOR OF SENATE BILL 155

On motion of Senator Barrientos and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 155.

CO-AUTHOR OF SENATE BILL 246

On motion of Senator Barrientos and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 246.

CO-AUTHOR OF SENATE BILL 371

On motion of Senator Barrientos and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 371.

CO-AUTHOR OF SENATE BILL 372

On motion of Senator Barrientos and by unanimous consent, Senator Sims will be shown as Co-author of S.B. 372.

CO-AUTHOR OF SENATE BILL 405

On motion of Senator Barrientos and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 405.

CO-AUTHOR OF SENATE BILL 500

On motion of Senator Barrientos and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 500.

CO-AUTHOR OF SENATE BILL 552

On motion of Senator Barrientos and by unanimous consent, Senator Edwards will be shown as Co-author of S.B. 552.

CO-AUTHOR OF SENATE BILL 598

On motion of Senator Barrientos and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 598.

CO-AUTHORS OF SENATE BILL 700

On motion of Senator Lyon and by unanimous consent, Senators Armbrister and Barrientos will be shown as Co-authors of S.B. 700.

CO-AUTHOR OF SENATE BILL 707

On motion of Senator Barrientos and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 707.

CO-AUTHOR OF SENATE BILL 712

On motion of Senator Caperton and by unanimous consent, Senator Brooks will be shown as Co-author of S.B. 712.

CO-AUTHOR OF SENATE JOINT RESOLUTION 19

On motion of Senator Barrientos and by unanimous consent, Senator Sims will be shown as Co-author of S.J.R. 19.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 13

On motion of Senator Barrientos and by unanimous consent, Senator Truan will be shown as Co-author of S.C.R. 13.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 21

On motion of Senator Barrientos and by unanimous consent, Senator Truan will be shown as Co-author of S.C.R. 21.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 25

On motion of Senator Barrientos and by unanimous consent, Senator Truan will be shown as Co-author of S.C.R. 25.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 50

On motion of Senator Barrientos and by unanimous consent, Senator Truan will be shown as Co-author of S.C.R. 50.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 51

On motion of Senator Barrientos and by unanimous consent, Senator Truan will be shown as Co-author of S.C.R. 51.

GUEST PRESENTED

Senator Green was recognized and presented Dr. C. A. Riser of Baytown.

Dr. Riser, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

SENATE RESOLUTION 180

Senator Carriker offered the following resolution:

WHEREAS, Wichita Falls is a major gateway city for people visiting Texas, and in their initial exposure to this great state these visitors encounter a distinctive city of some 100,000 hardworking citizens who are noted for their friendly hospitality and strong sense of community; and

WHEREAS, Traveling from the north, one also beholds the impressive new Wichita falls, 54 feet of attractively terraced rocks over which water cascades before merging with the Wichita River; and

WHEREAS, The waterfall replaces a small one that was the city's namesake, which washed away over 100 years ago, and it symbolizes both Wichita Falls' frontier past and its progressive approach to being a community that is a tribute to its people now and in the future; and

WHEREAS, The area was once the home of the Wichitas, a Plains Indian tribe, and the earlier falls were a landmark for frontiersmen and explorers; and

WHEREAS, The city traces its birth to September 27, 1882, when the first train arrived with prospective buyers for lots in the townsite that had been laid out in 1876 by John A. Scott, Jr.; and

WHEREAS, The city soon became an important agriculture, cattle, and manufacturing center; in 1909, milling and grain shipping were prominent; the Wichita Falls Window Glass Company was founded in 1912 and in the 1930's produced three percent of the nation's window glass; today, PPG Industries operates the world's largest float glass plant there; and

WHEREAS, After the famous Fowler Number 1 struck oil in 1918 in Burkburnett, petroleum became the leading component of the city's economy; and

WHEREAS, World War I pilots were trained at Call Field, and military aviation is still a notable part of the city as it is the home of Sheppard Air Force Base; and

WHEREAS, Its public schools are highly regarded, and Midwestern State University is widely esteemed for its strong and diverse academic programs and for having one of the nation's top intercollegiate soccer teams; and

WHEREAS, Numerous surrounding lakes provide the city with abundant water resources and outstanding recreational opportunities; and

WHEREAS, The community spirit of its citizens is responsible for the success of the acclaimed "Hotter 'N Hell Hundred" bicycle competition; because of the event's many volunteers who work hard to make it a rewarding experience, thousands of participants are attracted from across the nation and foreign countries; and

WHEREAS, A similar community effort is responsible for the "Fantasy of Lights" at Midwestern State University, considered one of the best Christmas light displays in the state, which attracts many visitors; and

WHEREAS, Wichita Falls indeed has many fine qualities but its greatest resource is its citizens, and Thursday, March 9, 1989, has been designated Wichita Falls Day to honor them; now, therefore, be it

RESOLVED, That the Senate of the 71st Texas Legislature hereby recognize March 9, 1989, as Wichita Falls Day in Texas to commemorate the many significant contributions of its citizens, past and present, to this state's heritage and greatness; and, be it further

RESOLVED, That official copies of this resolution be prepared for officials and other residents of Wichita Falls who are visiting the Capitol on this grand occasion as mementos of highest regard from the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Carriker introduced a large delegation of Wichita Falls citizens seated in the Senate Gallery.

The Senate welcomed these guests.

SENATE RESOLUTION 236

Senator Edwards offered the following resolution:

WHEREAS, On March 9, 1989, many proud residents of the city of Athens will join the Texas Senate in celebrating Athens Day; and

WHEREAS, One of Texas' most picturesque communities, Athens is nestled among the rolling hills and forests of the eastern part of the state; blessed with a mild climate and abundant natural beauty, the area is a popular spot for outdoor sports and recreation; and

WHEREAS, The city's lovely setting makes it an ideal location for a number of major annual events; each year, Athens welcomes thousands of visitors who come to enjoy such attractions as the Black-Eyed Pea Jamboree, the Texas Fiddler's Contest and Reunion, the Athens Antiques A Fair, and the Henderson County Livestock Show; and

WHEREAS, Athens also boasts the Cain Center, a 50,000-square-foot complex set on 85 acres of lovely countryside; the multipurpose center provides spacious meeting rooms, athletic facilities, a 1,200-seat event area, competition swimming pool, tennis courts, and ample parking; and

WHEREAS, Cultural activities in the Athens area include a highly acclaimed, 25-year-old community theatre and a community concert series offering professional entertainment; the city is also home to Trinity Valley Community College, whose excellent academic facilities serve three area counties; and

WHEREAS, Combining the progressive energy of a flourishing city with the charm and friendliness of a small town, Athens is truly a unique community; the many fine qualities of this city and its residents indeed merit our highest praise and recognition; now, therefore, be it

RESOLVED, That the Senate of the 71st Legislature of the State of Texas hereby recognize March 9, 1989, as Athens Day and commend the citizens of Athens for their efforts in building one of Texas' finest cities.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Upon recognition, Senator Edwards introduced to the Senate a delegation of Athens' citizens seated in the Senate Gallery.

These guests were welcomed by the Senate.

SENATE RESOLUTION 234

Senator Edwards offered the following resolution:

S.R. 234, Commending Coach Leon Spencer for his outstanding achievements at Trinity Valley Community College and on his unparalleled success in the performance of the school's basketball program.

The resolution was read and was adopted viva voce vote.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
March 8, 1989

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE SEVENTY-FIRST LEGISLATURE, REGULAR SESSION:

Pursuant to Article III, Section 5 of the Texas Constitution, I hereby designate as an emergency matter legislation for an appropriation to the Texas Agricultural Experiment Station in the amount of \$100,000 to conduct research on Africanized Bees.

Respectfully submitted,
/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Edwards.

Senator Edwards moved confirmation of the nominees reported yesterday by the Committee on Nominations and the following nominees to the Texas Racing Commission: (On March 1, 1989, consideration of these nominees was postponed until today.) Dr. Glenn Blodgett, James Higbie Clement, Hilary B. Doran, Jr., Hugh A. Fitzsimons, Jr., Dr. Demarious Lenore Frey and A. L. Mangham, Jr.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 28, Nays 0.

Absent: Washington.

Absent-excused: Parmer, Whitmire.

Member, Commission on Jail Standards: DR. CHARLES RICHARD HURST, Smith County.

Member, Texas Motor Vehicle Commission: PAUL ADAMS RUSH, Bexar County.

Members, Texas Board of Corrections: BEN GALLANT, JR., Nueces County; JERRY H. HODGE, Randall County; ROBERT A. MANN, McLennan County; ALLAN BRUCE POLUNSKY, Bexar County; MRS. MAMIE MOORE PROCTOR, Harris County.

Member, Board for Lease, Texas Department of Corrections: ALLAN BRUCE POLUNSKY, Bexar County.

Members, Texas Juvenile Probation Commission: COMMISSIONER MARY M. BURK, Tom Green County; JUDGE ANTONIO O. GARZA, JR., Cameron County; MRS. JANE ALLMAN WETZEL, Dallas County.

Member, State Board of Nurse Examiners: MRS. NELWYN PETTEY ROSS, El Paso County.

Members, Industrial Accident Board: MILTON E. FOX, Travis County; JAMES J. KASTER, Travis County.

Member, Texas Guaranteed Student Loan Corporation: GARY W. BRUNER, Tarrant County.

Members, State Board of Canvassers: MS. JACQUELIN BULLARD ALLEN, Wichita County; EARL "LEE" LEROY YEAKEL, Travis County.

Member, State Seed and Plant Board: KENNETH BOATWRIGHT, Lee County.

Member, Dairy Advisory Board: FOSTER BREWER, Cherokee County.

Branch Pilots for the Ports of Galveston County: CAPTAIN JAMES ROBERT BORUP, Galveston County; CAPTAIN NATHAN R. BRANCH, Galveston County.

Members, Texas Racing Commission: DR. GLENN BLODGETT, King County; JAMES HIGBIE CLEMENT, Kleburg County; HILARY B. DORAN, JR., Val Verde County; HUGH A. FITZSIMONS, JR., Dimmit County; DR. DEMARIOUS LENORE FREY, Nueces County; A. L. MANGHAM, JR., Nacogdoches County.

**COMMITTEE SUBSTITUTE
SENATE BILL 509 ON SECOND READING**

On motion of Senator McFarland and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 509, Relating to certain acts of public accountants.

The bill was read second time.

Senator McFarland offered the following amendment to the bill:

Amend C.S.S.B. 509 by amending Sec. 85.002 of Title 4, Civil Practices and Remedies Code, to read as follows:

"(D) Identified either specifically, or by a class, group or category in the notice prescribed by Section 85.003."

Amend Section 85.003 to read as follows:

"Section 85.003. (a) This chapter shall apply to any document which contains a notice complying with the provisions of this section.

(b) The required notice shall be in at least 10 point, bold-faced type, and shall be in the front of the document, and shall read as follows:

NOTICE OF LIMITATION OF RESPONSIBILITY

This document is not intended to be relied upon by third parties other than those listed below. This document may be relied on only by the purchaser of the document, the parties designated in Chapter 85, Civil Practice & Remedies Code, Vernon's Texas Codes Annotated.

The amendment was read and was adopted viva voce vote.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 509 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 509 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Washington.

Absent-excused: Parmer, Whitmire.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 251 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 251, Relating to exempting from ad valorem taxation personal property not held or used to produce income.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 251 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that H.B. 251 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Washington.

Absent-excused: Parmer, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 275 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 275, Relating to the availability of bulletproof vests for certain law enforcement officers.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 275 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 275** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parmer, Whitmire.

**COMMITTEE SUBSTITUTE
SENATE BILL 419 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 419, Relating to the supplemental compensation paid a district judge in certain counties.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 419 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 419** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parmer, Whitmire.

**COMMITTEE SUBSTITUTE
SENATE BILL 436 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 436, Relating to the application of the Texas Unemployment Compensation Act to real estate licensees and instructors.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 436 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 436** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parmer, Whitmire.

**MOTION TO PLACE COMMITTEE SUBSTITUTE
SENATE BILL 328 ON SECOND READING**

Senator Tejeda asked unanimous consent to suspend the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution to take up for consideration at this time:

C.S.S.B. 328, Relating to the imposition of an optional county motor vehicle registration fee.

There was objection.

Senator Tejeda then moved to suspend the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution to take up **C.S.S.B. 328** for consideration at this time.

The motion was lost by the following vote: Yeas 20, Nays 7. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Barrientos, Caperton, Carriker, Dickson, Edwards, Glasgow, Haley, Johnson, Krier, Leedom, Lyon, Montford, Ratliff, Santiesteban, Tejeda, Truan, Uribe, Washington, Zaffirini.

Nays: Bivins, Brooks, Brown, Harris, Henderson, McFarland, Sims.

Absent: Green, Parker.

Absent-excused: Parmer, Whitmire.

SENATE BILL 113 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 113, Relating to the confirmation election for certain regional water districts.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 113 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 113** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 271 ON SECOND READING**

On motion of Senator Uribe and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 271, Relating to membership or privileges on a hospital medical staff.

The bill was read second time and was passed to engrossment viva voce vote.

**MOTION TO PLACE COMMITTEE SUBSTITUTE
SENATE BILL 271 ON THIRD READING**

Senator Uribe moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 271** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 16, Nays 10. (Not receiving four-fifths vote of Members present)

Yeas: Barrientos, Brooks, Brown, Caperton, Dickson, Edwards, Glasgow, Haley, Krier, McFarland, Ratliff, Santiesteban, Sims, Truan, Uribe, Zaffirini.

Nays: Armbrister, Bivins, Carriker, Henderson, Johnson, Leedom, Lyon, Montford, Tejeda, Washington.

Absent: Green, Harris, Parker.

Absent-excused: Parmer, Whitmire.

SENATE BILL 488 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 488, Relating to the authority of the Commissioners Court of Cameron County to order road improvements and to levy assessments for that purpose.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 488 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 488** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parmer, Whitmire.

SENATE BILL 30 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 30, Relating to the penalty imposed for failure to maintain financial responsibility in an accident involving bodily injury or death.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 30 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 30** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Whitmire.

The bill was read third time and was passed viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 541 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 541, Relating to analysis of projects financed with bonds issued by the Texas Public Finance Authority.

The bill was read second time.

Senator Johnson offered the following amendment to the bill:

Amend **C.S.S.B. 541**, Section 10A by adding subsection (c) and renaming all other sections accordingly, to read as follows:

(c) The analysis shall include an affirmative action plan relating to hiring, purchasing, and contracting for the project.

The amendment was read and was adopted viva voce vote.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 541 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 541 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Whitmire.

The bill was read third time and was passed viva voce vote.

SENATE BILL 499 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 499, Relating to credit in the Texas Municipal Retirement System for service performed before the participation date of a participating municipal department.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 499 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 499 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parmer, Whitmire.

**COMMITTEE SUBSTITUTE
SENATE BILL 282 ON SECOND READING**

On motion of Senator Tejeda and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 282, Relating to special license plates for recipients of the Purple Heart medal.

The bill was read second time and passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 282 ON THIRD READING**

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 282** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 138 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 138, Relating to the requirement of an annual audit of certain funds and proceeds of property forfeited to certain county agencies and officers and the district attorney.

The bill was read second time.

Senator Glasgow offered the following amendment to the bill:

Amend **C.S.S.B. 138** as follows:

Amend SECTION 1 by striking the existing Sec. 115.0035. and substituting therefor the following:

Sec. 115.0035. EXAMINATION OF FUNDS FORFEITED TO COUNTY LAW ENFORCEMENT AGENCIES, CRIMINAL DISTRICT ATTORNEY, DISTRICT ATTORNEY OR COUNTY ATTORNEY. (a) At least once a year, or more often if the county auditor desires, the auditor shall, without advance notice, fully examine: (1) the accounts of county law enforcement agencies, the county attorney, and the district or criminal district attorney relating to money and the proceeds of property seized by and forfeited to those entities; and (2) the inventories of property seized by and forfeited to county law enforcement agencies, the county attorney, and the district attorney or criminal district attorney.

The amendment was read and was adopted viva voce vote.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Dickson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 138 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 138 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Armbrister, Barrientos, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Zaffirini.

Nays: Bivins, Washington.

Absent-excused: Parmer, Whitmire.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Dickson asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

House Chamber
March 9, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 18, Memorializing Congress to reject any recommendations to close the Naval Station Ingleside.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 410 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 410, Relating to certain insurance coverage for spouses who separate or divorce.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 410 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 410 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 390 ON SECOND READING**

On motion of Senator Lyon and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 390, Relating to complaints about and disciplinary measures taken against certain law enforcement officers or fire fighters.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 390 ON THIRD READING**

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 390** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Zaffirini.

Nays: Haley, Washington.

Absent-excused: Parmer, Whitmire.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Armbrister, Brown, Haley, Henderson, Montford, Sims and Washington asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 309 ON SECOND READING

Senator Glasgow asked unanimous consent to suspend the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution to take up for consideration at this time:

S.B. 309, Relating to the appointment of a person other than a parent as managing conservator of a child.

There was objection.

Senator Glasgow then moved to suspend the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution to take up **S.B. 309** for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Washington.

Absent-excused: Parmer, Whitmire.

The bill was read second time.

Senator Caperton offered the following amendment to the bill:

Amend S.B. 309 by changing the word "one" on page 1, line 37 to the word "three".

The amendment was read and was adopted viva voce vote.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 309 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 309 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parmer, Whitmire.

The bill was read third time and was passed viva voce vote.

VOTE ON FINAL PASSAGE OF COMMITTEE SUBSTITUTE SENATE BILL 390 RECONSIDERED

On motion of Senator Lyon and by unanimous consent, the vote by which C.S.S.B. 390 was finally passed was reconsidered.

Question - Shall C.S.S.B. 390 be finally passed?

CORRECTION OF VOTE ON MOTION TO SUSPEND RULES TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 390 ON THIRD READING

A corrected roll call on the motion to suspend the Constitutional Rule and Senate Rule 7.19 to place C.S.S.B. 390 on its third reading and final passage reflected the following:

The motion was lost by the following vote: Yeas 22, Nays 7. (Not receiving four-fifths vote of Members present)

Yeas: Barrientos, Bivins, Brooks, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Harris, Johnson, Krier, Leedom, Lyon, McFarland, Parker, Ratliff, Santiesteban, Tejada, Truan, Uribe, Zaffirini.

Nays: Armbrister, Brown, Haley, Henderson, Montford, Sims, Washington.

Absent-excused: Parmer, Whitmire.

The President announced that C.S.S.B. 390 would be on third reading when next considered.

MEMORIAL RESOLUTIONS

S.R. 235 - By Barrientos: In memory of Austin Patrol Officer Robert Townes Martinez, Jr., of Austin.

S.R. 237 - By Barrientos: In memory of Bert Joseph Johnson of Austin.

S.R. 238 - By Barrientos: In memory of Paul Gorton Blanton of Wimberley.

CONGRATULATORY RESOLUTIONS

H.C.R. 122 - (Brown): Recognizing March 1989 to be Community Proud Month in Texas.

S.C.R. 62 - By Krier: Recognizing March 14, 1989, as "Shamu and the Texas Tuxedos Day."

S.R. 239 - By Tejeda: Extending congratulations to Bonham Elementary School on its 100th anniversary.

S.R. 240 - By Caperton: Proclaiming March 25, 1989, as "Sullivan-Jones" Day.

S.R. 241 - By Carriker: Commending Mrs. Jewell Harris for her service to her profession and congratulating her on receiving the 1989 Grover C. Morlan Medal Award.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:28 p.m. adjourned until 11:00 a.m. Monday, March 13, 1989.

TWENTY-SIXTH DAY
(Monday, March 13, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Green, Haley, Harris, Henderson, Johnson, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Glasgow, Krier.

A quorum was announced present.

The Reverend Ivan Johnson, Mt. Olive Baptist Church, Terrell, Texas, offered the invocation as follows:

Most Holy and Gracious God, we thank You today for the privilege of life and a portion of our health and strength. Forgive us our sins. We thank You for the family of mankind of which we are a part. Grant us Your peace, love and understanding. We thank You for these leaders of this body who have committed themselves to the betterment of mankind. May that commitment reach across lines of race, creed and origin. We beseech Your blessings of wisdom, knowledge and direction in their every deliberation.

We confess that we have not always used our resources wisely, and we need Your guidance. Give us the spirit of compassion for the less fortunate and the weak. Grant us the courage to face and contend with opposition to right.

In the name of Christ Jesus we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 9, 1989, was dispensed with and the Journal was approved.